

Sixth Appellate District

San Jose, California

TUESDAY, OCTOBER 10, 2006

H027562 KAATZ v. CITY OF SEASIDE, et al.

By the Court*:

Respondent K&B Bakewells' petition for rehearing is denied.
Filed: October 10, 2006

*Before Mihara, Acting P.J., McAdams, J. and Duffy, J.

H029664 CRISCIONE on Habeas Corpus

The superior court's order is reversed. The matter is remanded to the superior court for further proceedings on Criscione's allegation in his petition that the Board's decision to deny him parole is not supported by some evidence. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed October 10, 2006

H029923 PEOPLE v. MIGUEL V.

The disposition order of January 27, 2006 is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed October 10, 2006

H029362 PEOPLE v. JOHNSON

By the Court:

On the court's own motion, the submission order of August 10, 2006, is hereby vacated for the purpose of obtaining the records reviewed in camera by the trial court at the Pitchess hearing held on July 22, 2005. The cause will be resubmitted upon receipt of the records.

Dated: October 10, 2006 Mihara, Acting P.J.

The following cases are submitted this date:

H029780 PEOPLE v. LEYUA

H029799 PEOPLE v. CHANDRA

H029963 PEOPLE v. GORDON

H029966 PEOPLE v. VILLEGAS

H030001 PEOPLE v. AVINA

H030018 PEOPLE v. RATLIFF

H030084 PEOPLE v. ALEXANDER N.

H030052 PEOPLE v. HERENA

H030126 PEOPLE v. SMITH

Sixth Appellate District

San Jose, California

WEDNESDAY, OCTOBER 11, 2006

H029017 PEOPLE v. SUPERIOR COURT (WALKER)

Respondent superior court erred in granting defendant's motion to suppress evidence pursuant to Penal Code section 1538.5. Accordingly, let the peremptory writ of mandate issue commanding the superior court to vacate its order and enter a new order denying defendant's motion to suppress. (published)
(Duffy, J.; I concur: Bamattre-Manoukian, Acting P.J.; Concurring opinion by McAdams, J.)
Filed October 11, 2006

H030423 RAIENEZ D. v. SUPERIOR COURT; SANTA CLARA COUNTY DEPARTMENT OF FAMILY and CHILDREN'S SERVICES

The petition for extraordinary writ is denied. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed October 11, 2006

H029756 JASSO on Habeas Corpus

(Filed order modifying opinion.) There is no change in the judgment. Respondent's petition for rehearing is denied. (published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed October 11, 2006

H028593 PEOPLE v. JASSO

By the Court*:

Respondent's petition for rehearing is denied.
Filed: October 11, 2006
*Before Rushing, P.J., Premo, J. and Elia, J.

H028926 PEOPLE v. MOHUNDRO

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed October 11, 2006

H028925 PEOPLE v. GONZALEZ

As modified, the judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed October 11, 2006

H029234 PEOPLE v. CASTILLO

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed October 11, 2006

Sixth Appellate District

San Jose, California

Wednesday, October 11, 2006 (continued)

H029128 PEOPLE v. CASILLAS

The judgment is reversed. The matter is remanded to the trial court to modify the judgment to reflect a conviction for misdemeanor false imprisonment in lieu of the conviction for felony false imprisonment in count 1 (Pen. Code, §§ 236, 237), to strike the conviction for simple assault in count 3 (Pen. Code, § 240), and for resentencing. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed October 11, 2006

H029280 & H029483 In re Marriage of BARAPOUR & HATAMI

The judgments are affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed October 11, 2006

THURSDAY, OCTOBER 12, 2006

The following cases are submitted this date:

H030589 DENISE L. v. SUPERIOR COURT

H028811 PEOPLE v. WALTERS

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and S. Nasson, Deputy Clerk.

H029295 PEOPLE v. JUAN N.

Cause called and argued by Ann Vandepol appearing for Appellant and by Christopher Grove, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029294 PEOPLE v. LEWIS

Cause called and argued by David Mann appearing for Appellant and by Joan Killeen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028577 PEOPLE v. MOLEA, JR.

Cause called and argued by Gordon Brownell appearing for Appellant and by Michele Swanson, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029136 ZENT LAW GROUP PC, et al. v. LOYA

Cause called and argued by Mark Goldowitz appearing for Appellant and by Stephen Usoz appearing for Respondents. Cause ordered submitted. Court adjourns.

Sixth Appellate District

San Jose, California

Thursday, October 12, 2006 (continued)

H029233 BAPTIST, et al. v. ROBINSON, et al.

By the Court*:

Appellants' petition for rehearing is denied.

Filed: October 12, 2006

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

H028964 PEOPLE v. CHEEK

The order committing Michael Thomas Cheek to the Department of Mental Health as a sexually violent predator is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed October 12, 2006

FRIDAY, OCTOBER 13, 2006

H029305 PEOPLE v. ISRAEL

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)

Filed October 13, 2006

H029714 GUY v. ACTIVE PLASTICS, INC.; ACE AMERICAN INSURANCE COMPANY

The order is affirmed. (not published)

(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed October 13, 2006

H029744 In re REYNALDO Z., et al., Minors; DFCS v. ROSALINDA H.

The order terminating Rosalinda H.'s and Anthony Z.'s parental rights is conditionally reversed, and the matter is remanded to the juvenile court with directions to promptly hold a further hearing, at which mother and father are represented by counsel, to determine whether the ICWA applies, based on any further responses received from the noticed tribes. If no tribe has responded indicating that the children are Indian children within the meaning of the ICWA, the order terminating parental rights shall be immediately reinstated. If any noticed tribe has determined that the children are Indian children within the meaning of the ICWA, the juvenile shall conduct further proceedings applying the provisions of the ICWA, Welfare and Institutions Code section 360.6, and rule 1439 of the California Rules of Court. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed October 13, 2006